

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDVIN RUSIS, HENRY GERRITS, PHIL
MCGONEGAL, DAVID HO ENG, BRIAN
HAUPT, PHILIP MONSON, CLAUDIA
ZIEGLER, SALLY GEHRING, and JOHN
MASON, individually and on behalf of all other
similarly situated individuals,

Plaintiffs,

v.

INTERNATIONAL BUSINESS
MACHINES CORP.

Defendant.

1:18-cv-08434 (VEC)

**NOTICE OF DEFENDANT INTERNATIONAL BUSINESS MACHINES
CORPORATION'S MOTION FOR SUMMARY JUDGMENT AS TO ADEA WAIVER
OPT-INS AND ARBITRATION AGREEMENT OPT-INS**

Under Federal Rule of Civil Procedure 56, Defendant International Business Machines Corporation moves this Court for summary judgment as to two groups of Opt-Ins who signed separation agreements in exchange for severance: (1) 11 Opt-Ins who signed agreements with full ADEA waivers: Anne Bellew, Steven Black, Demosthenes Gonzalez, Mark Grill, Peter Kondis, Walter Bayerle, Phillip Emma, Rose Kapor, Brian Schaaf, Eric Selcov, and Nancy Odom; and (2) 15 Opt-Ins who each admit that they separated in a resource action and in exchange for severance they signed a separation agreement, which were standard agreements with an individual arbitration provision and a class and collective action waiver: Robert Bees, David Cabassa, Dayle Feingold, Craig Feldhak, Michael Hamilton, Bryan Mitchell, Oscar Molina, Michael Morris, Mark Perillo, Torrey Price, Steven Richard, Rodney Sassaman, Amelia Voglino, Robert West, and Yvette Wilson.

Dated: December 21, 2021
New York, New York

JONES DAY

By: /s/ Matthew W. Lampe

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